

CAUSE NO. 2020-84117

COPY OF PLEADING PROVIDED BY PLT

RECEIPT NO: 923555 TRACKING NO: 73827742

Plaintiff:
DE LA SANCHA REBOLLAR, AMBROCIO
vs.
Defendant:
HOME DEPOT U S A INC

In The 113th
Judicial District Court of
Harris County, Texas
201 CAROLINE
Houston, Texas

CITATION CORPORATE

THE STATE OF TEXAS
County of Harris

**To: HOME DEPOT U S A INC (CORPORATION) MAY BE SERVED THROUGH ITS REGISTERED AGENT CORPORATION SERVICE COMPANY D/B/A CSC-LAWYERS INCO
211 E 7TH STREET SUITE 620, AUSTIN TX 78701**

Attached is a copy of: PLAINTIFF'S ORIGINAL PETITION

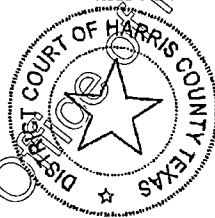
This instrument was filed on December 31, 2020 in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your Attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration date of 20 days after you were served this citation and petition, a default judgment may be taken against you.

This citation was issued on January 4, 2021, under my hand and seal of said court.

Issued at the request of:

Basu, Annie
P.O. B 550496
HOUSTON, TX 77255
713-460-2673
Bar Number: 24047858



Marilyn Burgess

Marilyn Burgess, District Clerk

Harris County, Texas
201 CAROLINE Houston Texas 77002
(PO Box 4651, Houston, Texas 77210)

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Tracking Number: 73827742

CAUSE NUMBER: 2020-84117

PLAINTIFF: DE LA SANCHA REBOLLAR, AMBROCIO

vs.

DEFENDANT: HOME DEPOT U S A INC

In the 113th

Judicial District Court of

Harris County, Texas

OFFICER - AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock ____ M. on the _____ day of _____, 20____. Executed at

(Address) _____
in _____

_____ County at o'clock ____ M. On the _____ day of _____, 20____, by

Delivering to _____ defendant, in person, a true copy of this Citation together with the accompanying _____ copy (ies) of the «Attachment». Petition attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this _____ day of _____, 20.

Fees \$ _____

Affiant

By _____
Deputy

On this day, _____, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, On this _____ day of _____, 20____.

Notary Public

CAUSE No. _____

**AMBROCIO DE LA SANCHA
REBOLLAR
Plaintiff**

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§
§

IN THE DISTRICT COURT

V.

____ **JUDICIAL DISTRICT**

**HOME DEPOT U.S.A., INC.
Defendant**

HARRIS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Ambrocio De La Sancha Rebollar, hereinafter called Plaintiff,
complaining of Home Depot U.S.A., Inc, hereinafter called Defendant, and for cause of action
show unto the Court the following:

**I.
LEVEL**

Discovery is intended to be conducted under Level 2 of Texas Rules of Civil Procedure 190.

**II.
PARTIES**

Plaintiff, Ambrocio De La Sancha Rebollar, is an individual who resides in Harris County.

Defendant, Home Depot U.S.A., Inc is a Corporation doing business in Harris County,
Texas. Defendant may be served with process by serving its registered agent Corporation Service
Company d/b/a CSC-Lawyers Inco at 211 E. 7th Street, Suite 620, Austin, Texas 78701.

**III.
VENUE**

The subject matter in controversy is within the jurisdictional limits of this court.

Plaintiffs seek:

- a. only monetary relief of over \$250,000 and not less than \$1,000,000.00, or less including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.

Venue in Harris County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because the cause of action occurred in Harris County, Texas.

IV. FACTS

This suit is brought under and by virtue of the laws of the State of Texas to recover those damages which Plaintiff is justly entitled to receive as compensation for injuries he sustained in an incident that happened on or about September 11, 2019. On that date, Plaintiff, was performing work in his brother's home. Plaintiff was using a feed drain cleaner that was rented from The Home Depot at 13400 Market St., Houston, Texas. Plaintiff picked up the feed drain cleaner, and the handle became detached from the tool. This caused Plaintiff to fall and hit his head. The handle was not properly attached to the drain cleaner, as it was missing necessary screws to keep it properly fixed to the drain cleaner. Plaintiff reported the incident to the Home Depot location from which the tool was rented, and the rental department admitted to Plaintiff that the tool was not fit to be rented out and should not have been rented out to Plaintiff. The Defendant was negligent in renting out the tool to Plaintiff. Defendant's negligence resulted in serious injuries to Plaintiff.

V.
NEGLIGENCE AND GROSS NEGLIGENCE

The occurrence made the basis of this suit and the resulting injuries and damages were proximately caused by the negligence and/or gross negligence of the Defendant, for a variety of acts and omissions, including but not limited to one or more of the following:

1. In failing to properly maintain said tools in a reasonable manner;
2. In failing to properly maintain said tools in a safe manner;
3. In failing to exercise caution;
4. In failing to provide warning; and,
5. In maintaining said tools in a reckless and careless manner.

Each and all of the above acts and/or omissions constituted negligence and each and all were the proximate cause of the following made the basis of this suit and the injuries and damages suffered by the Plaintiff herein.

VII.
DAMAGES

As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff was caused to suffer pain and suffering and to incur the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Harris County, Texas;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;

- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Loss of earnings in the past;
- H. Loss of earning capacity which will, in all probability, be incurred in the future;
- I. Disfigurement in the past;
- J. Disfigurement in the future;
- K. Mental anguish in the past; and
- L. Mental anguish in the future.

VIII.
JURY TRIAL

Plaintiff respectfully requests a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant, for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

BASU LAW FIRM, PLLC

/S/Annie Basu

Annie Basu
TBN: 24047858
Jordan Sloane
TBN: 24118537

P. O. Box 550496
Houston, Texas 77255
Tel: 713-460-2673
Fax: 713-690-1508
info@basulaw.com
ATTORNEY FOR PLAINTIFF

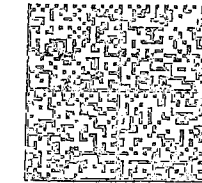
REQUESTS FOR DISCLOSURE

Pursuant to the provisions of Tex. R. Civ. P. Rule 190.3, Plaintiff serves upon Defendant, Texas Rule of Civil Procedure 194 Request for Disclosure. You are hereby requested to disclose the information or material described in Rule 194.2(a); 194.2(b); 194.2(c); 194.2(e); 194.2(f) (1), 194.2(f)(2), 194.2(f)(3), 194.2(f)(4)(A), and 194.2(f)(4)(B); 194.2(g); 194.2(h); 194.2(i); 194.2(j), 194.2(k) and 194.2 (l) within fifty days of your receipt of this document, by sending your responses to Annie Basu, P. O. Box 550496, Houston, Texas 77255.

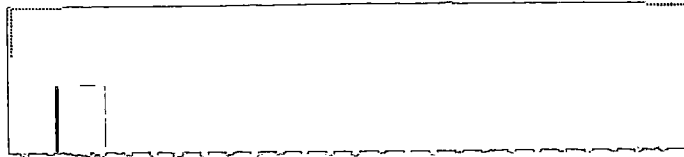
/s/Annie Basu

ANNIE BASU

LEGAL DOCUMENT MANAGEMENT
5930 LBJ FREEWAY SUITE 307
DALLAS, TEXAS 75240



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CORPORATION SERVICE COMPANY
211 E. 7th STREET., #620
AUSTIN, TEXAS 78701

